

A meeting of the New Hampshire Water Well Board (“Board”) was held on May 6, 2010 at 9:00 AM, in rooms 112 & 113, 29 Hazen Drive, Concord NH, 03302.

Present were: Peter Caswell, Chairman

Board Members: Steve Guercia, Stephen Smith, Jeffrey Tasker and Thomas Garside

NHDES Staff: Richard Schofield and Allyson Gourley

Chairman Caswell brought the meeting to order at 9:03 AM.

Approval of Minutes

3/25/2010 Meeting: Upon motion by Mr. Smith, and seconded by Mr. Tasker, the Board unanimously voted to accept the Minutes of the meeting.

New Business

Other Public Matters

Well Constructed at 13 Deerwood Road, Amherst, NH by E.M. Young Well Company

Mr. Schofield briefed the Board about a complaint he had received recently concerning a well installed by E.M. Young Well Company. The complaint alleged that the well, located at 13 Deerwood Road in Amherst, NH, was located within 75 feet of the property line, and was not constructed using additional casing and grouting as required for a well in a non-conforming location.

Mr. Schofield told the Board that he conducted an inspection of the property on April 9, 2010. He measured the well to be 16 feet from the property line and 53 feet from the road. He determined that the well was greater than 75 feet from any observed contaminant source. The septic system for the property was located greater than 75 feet from the well. Mr. Schofield said he had discussed the issues concerning the well with the property owner, Maria Lambert. She said she was satisfied with the well and did not want DES to pursue the matter any further.

Mr. Schofield informed the Membership that he sent a letter to Michael Young of E.M. Young Well Company informing him of the complaint. The letter stated that an inspection by DES determined that the well was located in a non-conforming location, and as such had not been constructed in accordance with the rules. E.M. Young Well Company violated We 602.05 (j) and We 602.05 (k) by failing to file a “Non-conforming Well Location Form”, failing to install a minimum of 40 feet of casing, and by failing to grout the casing annulus in the well. The letter also advised Mr. Young of possible fines that DES could be imposed for these violations.

Chairman Caswell invited Mr. Young to the table. He explained that during the process of refinancing, the owners learned that the well that had served their home for over 40 years was actually located on the neighbor's property. In order to be able to refinance, this situation needed to be corrected.

Mr. Young told the Membership that prior to installing the new well he had contacted the Amherst Health Officer. The new well was located in the location where it was originally supposed to be according to the approved plot plan. The Health Officer had indicated that he had no objections to the location because the new well and the pre-existing well would have overlapping protective well radii. Mr. Young added that there was no other suitable location on the property, and this location made sense since they had to hook into the existing plumbing.

Mr. Garside made a motion that E.M. Young Well Company conduct a down-hole camera survey of the well to ensure that the casing had been installed into "competent bedrock". The motion was seconded by Mr. Tasker and unanimously passed.

There was discussion about obtaining permission from the well owner. Mr. Schofield commented that if the property owner did not want the camera procedure to be done on her well, then that would be the end of the matter. In response to an inquiry from the Membership, he also stated that because the complainant could not be identified or contacted, it was not a formal complaint and would not go onto the Complaint Registry database.

Previous Complaint

James Rowley / All State Builders and Maple View Development, LLC

Mr. Schofield presented a review of the events that took place at the meeting on January 13, 2010. *At the meeting the Board found:*

- *The Rowley well had not been constructed by a licensed Water Well Contractor and had not been constructed under the supervision of a licensed Water Well Contractor.*
- *A "Well Completion Report" was not filed, as required.*
- *Maple View Development was responsible for the well.*

Following issuance of the findings, the Board issued the following decision:

- *The Rowley well must be decommissioned in accordance with the rules.*
- *A new well to be constructed under direct supervision of a licensed Water Well Contractor a minimum of 30 feet from the decommissioned well.*
- *The Rowley's to incur no cost for a replacement dug well.*
- *Cost to be determined by the parties if a drilled well is agreed upon.*

At the following meeting held on March 25, 2010, a request for continuance was granted at Mr. Bussiere's request because he was not able to attend the meeting.

Mr. Schofield informed the Membership that no actions have been taken to replace the well to best of his knowledge. He said that Mr. Bussiere had informed him that he has offered to replace

the well, however, Mr. Rowley has not agreed to the proposed locations. Mr. Rowley has also informed him that he wants a drilled well at his time.

Chairman Caswell invited Mr. Rowley to the table. He asked Mr. Rowley if he had obtained quotes for a new dug well?

Mr. Rowley said he had contacted several dug well contractors and there was quite a variance in cost. He said one company quoted him a price of \$3,500, but this did not include decommissioning of the existing well or preparation of the site. Northeast Well Company quoted him a price of \$7,500. He said that Contoocook Well Company has not provided him with a quote, but has stated that there would be “considerable” site work required in order to construct another dug well on the property. Mr. Bussiere has provided him with a quote of \$2,000. Mr. Rowley told the Board he is not comfortable with having Mr. Bussiere construct another well on his property.

Chairman Caswell asked Mr. Schofield if another dug well is constructed on the property, isn't it likely to have the same water quality? Mr. Schofield said most likely you will get similar water quality, but in this case it depends on two issues. The owner has alleged that organic material was present in the backfill. If this is true, organic matter will negatively impact water quality. If the crushed stone that was used came from an area high in arsenic, that might explain the arsenic content in the well. Currently, the origin of the arsenic is unknown. Mr. Schofield noted that several other property owners in the same development who had dug wells have replaced them with drilled wells, due to arsenic and overall poor water quality.

Mr. Schofield clarified a statement made by Mr. Rowley concerning how the existing well should be decommissioned. He said that whether the replacement well is a drilled well or a dug well, the proper means of decommissioning the existing well is the same; the 6” casing is to be filled with clean fill or grout.

Scott Bussiere of Maple View Development and Rick Patenaude of Contoocook Well Company were invited to the table.

Mr. Bussiere stated that he told Mr. Rowley he could construct a new dug well for him in 3 days, but that is not what Mr. Rowley wants.

Mr. Garside re-stated the Board's previous decision, that Mr. Bussiere install a new dug well for Mr. Rowley, or provide compensation.

The Board engaged in considerable discussion regarding the cost of a replacement dug well. Eventually, the Membership agreed that it was not appropriate for the Board to assess a monetary value for replacement of the well.

Mr. Schofield instructed the Membership that they can act as a mediator in assisting the parties to reach a resolution, but they cannot take the matter any further if the parties can't agree. He said for the record: The well is illegal, it was not installed by a licensed contractor and needs to be replaced. He urged the parties to try to reach an agreement, but other than that it is a civil matter.

Break at 10:25 am.

Licensing

License Applicants

Mr. Mackey informed the Board that none of the current license applications are complete with regard to references, and therefore cannot be considered at this time.

Old Business

Budget Committee

Mr. Schofield informed the Board that the Budget Committee met on April 22, 2010. Present at the meeting were Thomas Garside, Stephen Smith, Steve Guercia, Chip Mackey, Rick Schofield and Roger Skillings. Topics discussed included the fee structure and license structure. The program's revenue needs to be increased by 100%. He said progress was made, but another meeting would be needed.

New Business

Other Public Matters

Mr. Schofield brought some complaints that he had recently received to the attention of the Board.

Innovative Permitting Initiative

Mr. Schofield briefed the Board regarding this DES initiative. He explained it is part of the "LEAN" effort to make government more efficient and effective using less money. This permitting initiative is aimed at large projects requiring permits from several programs to provide a more comprehensive approach to permitting.

Other

Mr. Schofield had no other business.

The meeting was adjourned at 10:40 am.

Rene Pelletier
Water Well Board Secretary